

AMENDED IN ASSEMBLY JULY 5, 2005
AMENDED IN ASSEMBLY JUNE 20, 2005
AMENDED IN SENATE MAY 25, 2005
AMENDED IN SENATE MAY 4, 2005
AMENDED IN SENATE APRIL 14, 2005
AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 1067

Introduced by Senator Kehoe
(Coauthor: Assembly Member Koretz)

February 22, 2005

An act to add Article 5.5 (commencing with Section 116490) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1067, as amended, Kehoe. Drinking water.

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to adopt regulations covering water testing, the monitoring of contaminants, the frequency and method of sampling and testing, the reporting of results, and other matters as may be necessary to determine and assure the quality of domestic water supplies. Existing law requires the Office of Environmental Health Hazard Assessment to perform a risk assessment and, based upon that risk assessment, to adopt a public health goal for contaminants in drinking water based exclusively on public health.

This bill would require the office, by January 1, 2007, to adopt a public health goal for total trihalomethanes and by January 1, 2008, for total haloacetic acids, and would require the department to adopt regulations to ensure that any public water system that has levels of total trihalomethanes or total haloacetic acids that pose a potential risk to public health notifies its customers of the public health risks, including any risks to pregnant women, from the contaminant and would set forth specific notices to be included in the consumer confidence report if public water systems exceed the maximum contamination levels for those contaminants. *The bill would authorize the department to adopt notification requirements that exceed the requirements of its provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5.5 (commencing with Section 116490)
2 is added to Chapter 4 of Part 12 of Division 104 of the Health
3 and Safety Code, to read:

4
5 Article 5.5. Disinfection Byproduct Risk Reduction and
6 Public Disclosure
7

8 116490. The Legislature finds and declares all of the
9 following:

10 (a) Scientific studies have linked disinfectant byproducts
11 including trihalomethanes and haloacetic acids to increased risk
12 of cancer.

13 (b) Several investigations have found that chlorination
14 byproducts may be linked to heart, lung, kidney, liver, and
15 central nervous system damage. Other studies have linked
16 trihalomethanes and haloacetic acids to reproductive problems,
17 including miscarriage.

18 116491. (a) By January 1, 2007, the Office of Environmental
19 Health Hazard Assessment shall adopt a public health goal for
20 total trihalomethanes (TTHMs) using the criteria established
21 pursuant to Section 116365. This public health goal shall,
22 consistent with the procedures outlined in Section 116365, define
23 a specific, rather than averaged, level for TTHMs that reflects the

1 special vulnerability of pregnant women and their fetuses to
2 significant excursions of these contaminants.

3 (b) By January 1, 2008, the Office of Environmental Health
4 Hazard Assessment shall adopt a public health goal for total
5 haloacetic acids (HAA5) using the criteria established pursuant
6 to Section 116365. This public health goal shall, consistent with
7 the procedures outlined in Section 116365, define a specific,
8 rather than averaged, level for HAA5 that reflects the special
9 vulnerability of pregnant women and their fetuses to significant
10 excursions of these contaminants.

11 (c) By January 1, 2007, the department shall adopt regulations
12 to ensure that any public water system that has levels of TTHMs
13 that pose a potential risk to public health notifies its customers of
14 the public health risks, including any risks to pregnant women,
15 from the contaminant. The notification required under this
16 section shall be included in the annual consumer confidence
17 report issued by the public water system. *The department may*
18 *adopt notification requirements that exceed the requirements of*
19 *this section.*

20 (d) By January 1, 2008, the department shall adopt regulations
21 to ensure that any public water system that has levels of total
22 haloacetic acids (HAA5) that pose a potential risk to public
23 health notifies its customers of the public health risks, including
24 any risks to pregnant women from the contaminant. The
25 notification required under this ~~subdivision~~ *section* shall be
26 included in the annual consumer confidence report issued by the
27 public water system. *The department may adopt notification*
28 *requirements that exceed the requirements of this section.*

29 (e) A public water system that has ~~one~~ *two* or more detections
30 of TTHMs at a peak, rather than average, level above the
31 maximum contaminant level shall include the following notice in
32 its next consumer confidence report:

33 “Some people who drink water containing total
34 trihalomethanes (TTHMs) at levels in excess of the maximum
35 contaminant level over many years, may experience problems
36 with their liver, kidneys, or central nervous system, and may
37 have increased risk of cancer. Pregnant women should know that
38 some studies have found a possible link between miscarriage,
39 certain birth defects, low-birth weight or stillbirths, and drinking
40 water with high levels of these chemicals.”

1 (f) A public water system that has ~~one~~ *two* or more detections
2 of HAA5 at a peak, rather than average, level above the
3 maximum contaminant level shall include the following notice in
4 its next consumer confidence report:

5 “Some people who drink water containing total haloacetic
6 acids (HAA5) at levels in excess of the maximum contaminant
7 level over many years, may experience problems with their liver
8 or kidneys, and may have an increased risk of cancer. Pregnant
9 women should know that some studies have found a possible link
10 between miscarriages, certain birth defects, low-birth weight or
11 stillbirths, and reproductive and fetal developmental problems,
12 and drinking water with high levels of those chemicals.”